

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

First, Applicant wishes to thank the Examiner for the withdrawal of the rejections which were previously issued on April 20, 2007.

In the July 16, 2007 Office Action, the Examiner rejected claims 1, 3-7, 9-13, 16-18, 20-23 and 26 under 35 U.S.C. §103(a) based upon U.S. Publication No. 2002/0142777 (McGovern) in view of U.S. Patent No. 6,771,963 (Cheng et al.). In making these rejections, the Examiner asserted that all of the features of these claims could be found in McGovern, with the exception of using narrowband channel radio frequencies for communicating user data when a device is involved in a cell boundary region, and using wideband channel radio frequencies when the device is not in a cell boundary region. The Examiner has asserted that these features can be found in Cheng et al. Applicant disagrees.

Cheng et al. is directed to a system and method for triggering a handdown or handoff procedure for a mobile station as it moves between first and second cellular systems. According to the arrangement described in Cheng et al., the mobile station operates within the first set of frequency channels for the first communication system until the received power level of a controlled signal drops below a certain threshold, at which point the mobile device is handed down to the second communication system, thereafter operating within a second set of frequencies that correspond to the second communication system. (*See, e.g.*, column 6, lines 40-52). However, and contrary to the examiner's assertions, Cheng et al. provides no teaching or discussion of wideband and narrowband channel frequencies in even a general sense. Instead, Cheng et al. does nothing more than note that the first communication system operates within a first allocation of frequency channels (F1), and the second communication system operates within a second allocation of frequency channels (F2). (*See, e.g.*, column 4, lines 27-32 and 41-45, and column 5, lines 7-12). Other than noting that these channels may be different from each other, there is simply no discussion about the nature of these frequencies or channels. In other words, nowhere in Cheng et al. is

there any discussion of whether one or both of the frequency channel allocations comprise wideband or narrowband frequencies.

In rejecting the claims, the Examiner asserted that column 2, lines 1-19 of Cheng et al. teaches the use of wideband and narrowband channel frequencies. Like the portions of Cheng et al. cited above, however, the text relied upon by the Examiner teaches nothing more than the fact that two different sets of frequency channels may exist in the system described in Cheng et al. In particular, Applicant refers the Examiner to the actual text of this section, where it is stated:

If a mobile station is being served by a first base station affiliated with a first communication system (e.g., a CDMA system using a *first set of frequency channels (F1)*), and that base station's cell borders on a cell of a second base station affiliated with a second communication system (e.g., FDMA such as Advanced Mobile Phone System or AMPS, or CDMA using a *different set of frequency channels (F2)*), a "hard" handoff of the mobile station to service by the second base station must occur as the mobile station approaches the latter and moves out of range of the first base station. Otherwise, the mobile station will lose its link with the PSTN (a so-called "dropped" call). A hard handoff can be carried out directly, i.e., the mobile station is switched over directly for service by the second base station; or indirectly via an intermediate "handdown" procedure wherein the currently serving base station begins to serve the mobile station using the operating protocols of a second communication system (for example, the serving base station hands the mobile station down from CDMA to AMPS).

As one skilled in the art would immediately recognize, wideband and narrowband channels are not even hinted at in the above section. Other than mentioning the two existence of the two sets of frequency channels, no further discussion about the channels is provided.

In supporting his rejections, the Examiner asserted that column 2, lines 1-19, teaches a "handdown procedure." Applicant does not dispute this point. However, this fact has nothing to do with the issues at hand. As is discussed in the above section and elsewhere in Cheng et al., the handdown procedure of Cheng et al. simply refers to the first serving base

station beginning to serve the mobile station using the operating protocols of the new communication system until the second communication system's base station is capable of taking over service for the mobile station. Once again, however, there is no teaching or discussion of whether the channel or frequencies used during this handdown procedure involve wideband or narrowband frequencies. Therefore, the Examiner's assertion is simply not relevant to the issues at hand.

In addition to the above, Applicant also refers the Examiner to the rest of Cheng et al., which supports Applicant's position in its entirety. As discussed above, no portion of Cheng et al. ever discusses the use of wideband or narrowband channel frequencies. In fact, the terms "wideband" and "narrowband" are never mentioned in the reference. Furthermore, Cheng et al. never even discusses or mentions a single specific frequency in any context. In other words, not a single frequency is ever specifically described in Cheng et al. in enough detail that it could be qualified as either a wideband or a narrowband channel frequency, since Cheng et al. is completely silent on the subject. Therefore, it is simply incorrect for the Examiner to assert that wideband or narrowband channel frequencies are ever taught in Cheng et al. in any context.

Furthermore, Applicant notes that, even if wideband or narrowband channel frequencies were taught in Cheng et al., this reference still would not meet the claim limitations which the Examiner has already acknowledged are missing from McGovern. In particular, Applicant notes that each of the independent claims requires that a narrowband channel radio frequency be used when the device is located near a cell boundary region and a wideband radio channel frequency be used when the device is not in a cell boundary region. However, only two sets of frequencies are ever generically discussed in Cheng et al.—a first set of radio frequencies (F1) and a second set of radio frequencies (F2). According to the teachings of Cheng et al., when the mobile station is in the cell of the first communication system, the mobile station operates under the first set of radio frequencies until the power level of the received pilot signal dropped below a certain threshold. At this point, the second set of radio frequencies are used which correspond to the cell for the second communication system, with a "soft" handoff ultimately occurring as the mobile station continues to move into the new cell. (*See, e.g.*, column 6, lines 40-52). However, even if the first set of radio

frequencies were wideband frequencies and the second set of radio frequencies were narrowband frequencies, the mobile station would continue to operate under the second set of radio frequencies (i.e., the narrowband frequencies), even after the mobile station has moved away from the cell boundary region of the second cell and into to the center the second cell. In other words, according to the teachings of Cheng et al., if the second set of frequencies were narrowband frequencies, the mobile station would operate in a narrowband frequency even when the mobile station is at the center of the second cell, is in clear contradiction to the plain language of each independent claim. Therefore, even if wideband and narrowband frequencies were taught in Cheng et al., a system constructed according to Cheng et al.'s teachings still would not meet the necessary claim limitation.

In view of the above, the Examiner's assertion that Cheng et al. cures the deficiencies of McGovern cannot stand. Applicant therefore submits that each of Claims 1, 3-7, 9-13, 16-18, 20-23 and 26 are allowable over McGovern and Cheng et al.

Lastly, the Examiner has also rejected the remaining claims under 35 U.S.C. §103(a) based upon McGovern and Cheng et al. in view of at least one of U.S. Patent No. 5,974,323 (Doner), U.S. Publication No. 2002/0028655 (Rosener et al), U.S. Patent No. 6,049,538 (Scott) and U.S. Patent No. 5,299,228 (Hall). However, each of these rejections rely on the incorrect proposition that Cheng et al. teaches using narrowband channel radio frequencies when a device in a cell boundary region and using wideband channel radio frequencies when the device is not in a cell boundary region. As discussed at length above, Cheng et al. teaches nothing of the sort, and the Examiner has failed to assert that any of these additional references cure this deficiency. Therefore, Applicant submits that each of the claims rejected based upon these references are allowable as well for at least the reasons discussed above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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